

July 7, 2004 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

04AN0291

Erin and Frank V. LaRose

Matoaca Magisterial District
5514 Windy Ridge Terrace

REQUEST: A six (6) foot Variance to the six (6) foot rear yard setback requirement for a proposed deck and adjoining existing pool in a Residential (R-9) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. As required by the Zoning Ordinance, there are no conditions upon which the request is based that are unique to the property and are not generally applicable to other properties in the area.
- B. Variance is not in accord with the Zoning Ordinance.

GENERAL INFORMATION

Location:

Property is known as 5514 Windy Ridge Terrace. Tax ID 717-679-3100 (Sheet 15).

Existing Zoning:

R-9

Size:

.161 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-9; Open space and residential
South - R-9; Residential
East - R-9; Residential
West - R-9; Open space and residential

Utilities:

Public water and sewer

General Plan:

(Upper Swift Creek Plan)

Residential
(2.0 units per acre or less)

DISCUSSION

The applicants have installed an above ground pool two (2) feet from the rear property line (see attached site plan). The applicants are proposing to construct an adjoining deck up to the rear property line (see attached site plan). The Zoning Ordinance requires a six (6) foot rear yard setback. Therefore, the applicants request a six (6) foot Variance.

The applicants provide the following justification in support of this request:

We would like to build a deck around an existing swimming pool. Where the pool wall is closest to the property line is two (2) feet from the rear property line from a previously granted Variance 03AN0302. Due to Woodlake Community covenants the pool must be surrounded by decking. The Architectural Review Board suggested that the side decking would be better placed on the side abutting the rear property line where there is approximately fifty (50) to seventy (70) feet of wooded open space buffering the property owner behind us.

On August 7, 2003, the Board of Zoning Appeals approved a four (4) foot Variance to the six (6) foot rear yard setback requirement for a proposed swimming pool and adjoining deck. The graphics for this request reflected a fifteen (15) foot by thirty (30) foot pool.

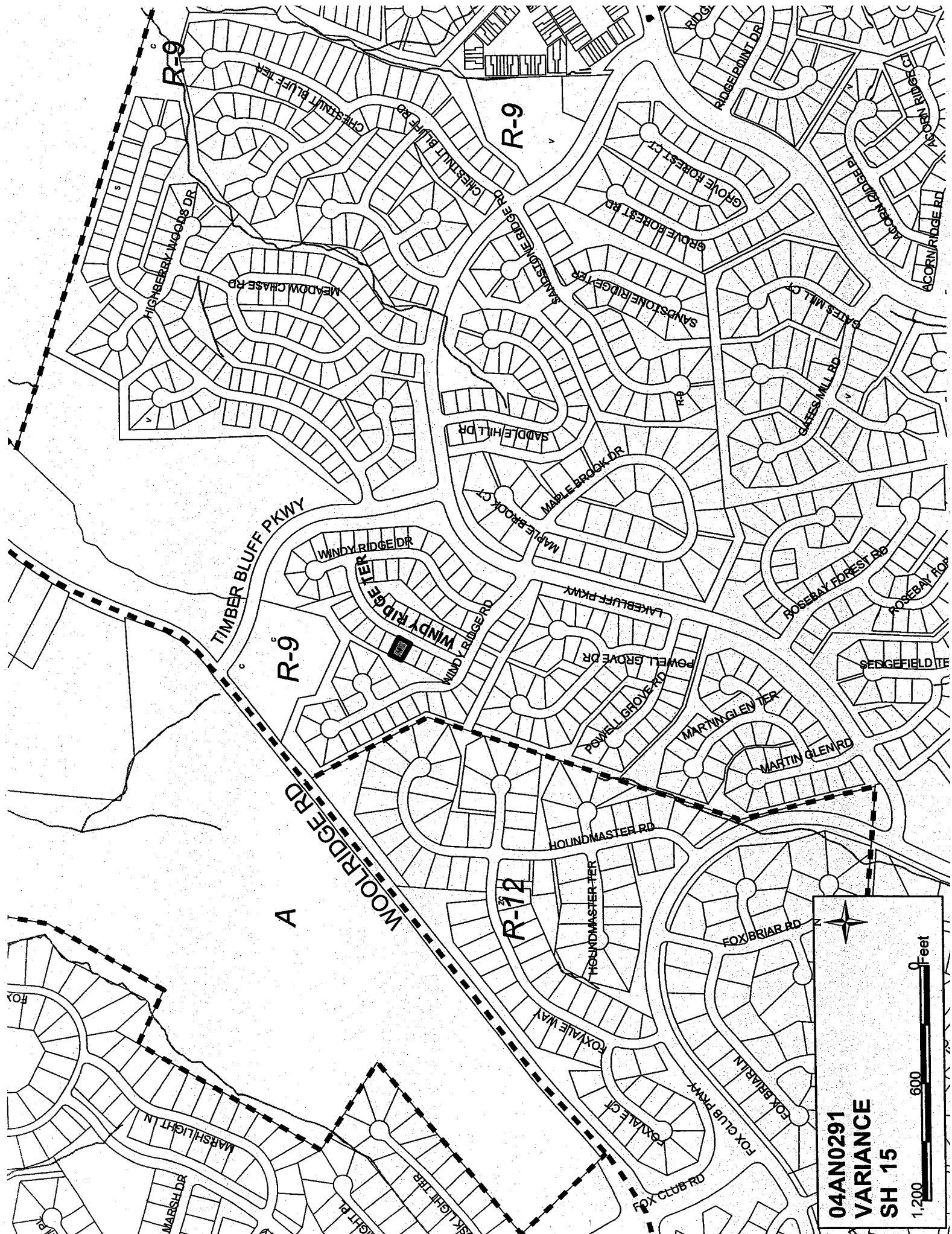
Staff has reviewed the new application and graphics. The graphics indicated the pool with coping is sixteen (16) feet by thirty-one (31) feet.

As required by the Zoning Ordinance, the applicants have provided no information which would serve as a basis for granting this Variance. Staff finds no physical surroundings, shape or topographical conditions on the property which would present a particular hardship to the owner if this Variance was denied. Staff finds no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

Should the Board of Zoning Appeals approve this request, it should be applicable to the existing pool and adjoining deck only. Other decks or structures could be constructed to this reduced setback. Therefore, staff recommends if this request is approved, it be subject to the following condition:

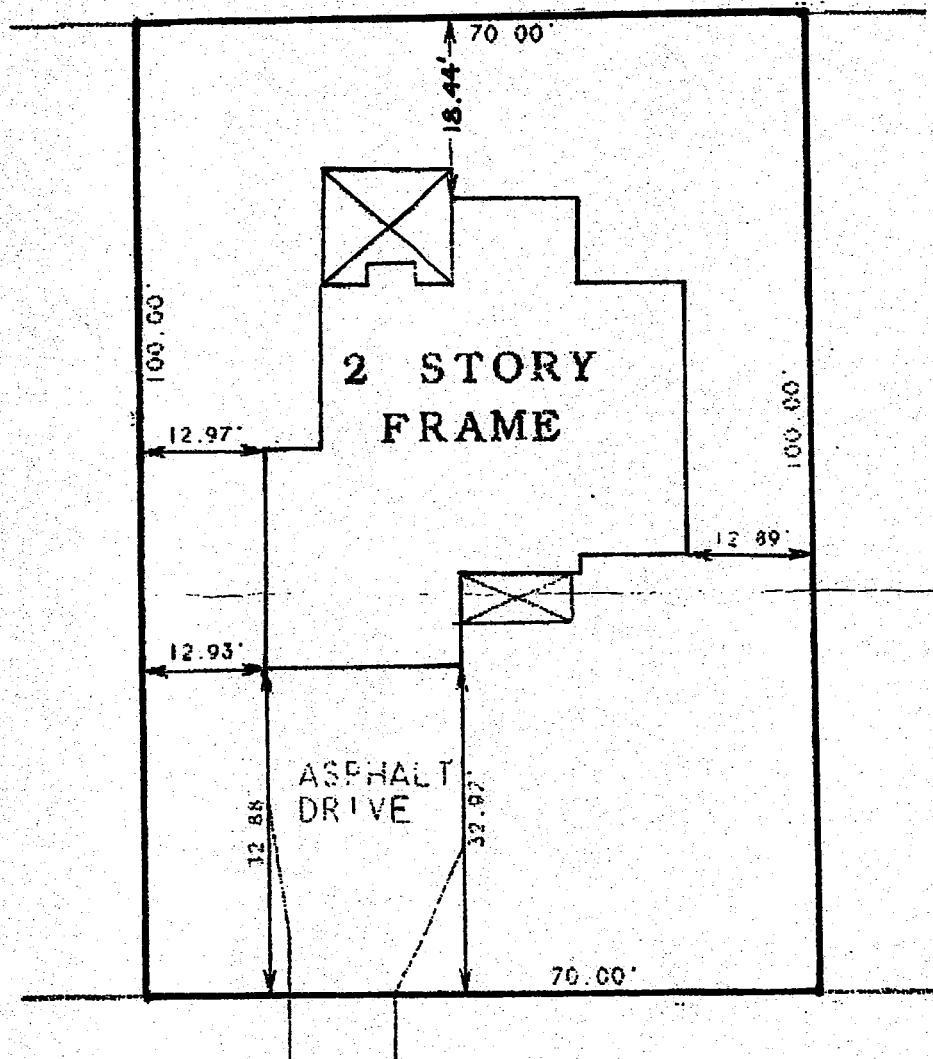
CONDITION

This Variance shall be for the proposed deck and adjoining existing pool.





OPEN SPACE



WINDY RIDGE TERRACE

